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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,498	01/09/2002	Sean Edward Aschen	AUS9-2001-1003-US1	6734

7590 04/03/2006

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EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

①

Advisory Action Before the Filing of an Appeal Brief

Application No. 10/042,498		Applicant(s) ASCHEN ET AL.	
Examiner Barbara N. Burgess		Art Unit 2157	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-21.
Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached action.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

This action is in response to After-Final Amendment/Arguments filed January 17, 2006.

Response to Arguments

The Office notes the following arguments:

- (a) Singer does not disclose “starting a log file parser on each server of a set of servers in a distributed information processing environment”.
- (b) Singer does not disclose “retrieving usage information from a database file generated by said log file parser”.

1. Applicant's arguments filed have been fully considered but they are not persuasive.

In response to:

- (a) Singer not only discloses a collection server that starts a batch program that determines the web servers at the location of the collection server and creates the collection program that collects the server logs from the web servers, zips the files, and transfers the files to be stored in a database, Singer further discloses a on each web server there is installed a “Filtering Program” that processes and filters web server usage data as it is created. The Filtering Program then stores the usage information in a custom log record to be collected by the collection server.

According to Applicant, as stated in the After-Final Arguments/Remarks (dated January 17, 2006, page 8), parse means “to analyze or separate into more easily processed

components”, “the process of analyzing a continuous stream of input in order to determine grammatical structure with respect to a given formal grammar. A parser is a computer program that carries out this task”.

The Filtering Program disclosed by Singer receives a message from the web server that the web server usage data has been created. The program then determines whether this is the first message of the day. If so, older messages are deleted. The Filtering Program located on each web server then determines file extensions, cookies, performs decryptions, capture System-User information, stores the filtered record in a log (paragraphs [0051-0052]).

The Filtering Program performs the duties of a “log file parser”.

Examiner further notes that Applicant is required to consider the entire reference. Cited columns and lines by the Examiner are used as reference points, but are not used to replace features disclosed by the reference as a whole.

(b) Singer discloses the Filtering Program (log file parser) captures System-User information (usage information) from the server log (database file). This information is then stored (paragraph [0052]). This is one way in which usage information is retrieved from a database file generated by said log file parser.

The Collection Server then collects these filtered server logs and enables the Analysis Server to perform processing on the server logs in order to produce server usage data in an SQL database. The Analysis Server is able to then use the information from the database to generate summary tables. A user is able to generate reports based on the

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information stored (paragraphs [0057, 0066, 0069]). Again, this is another way in which usage information is retrieved from a database file generated by said log file parser.

The summary tables (usage information) and usage reports (usage information) are all retrieved from the server logs (database file) that were originally generated by the Filtering Program (log file parser).

Therefore, Singer, undoubtedly, discloses "retrieving usage information from a database file generated by said log file parser".

Examiner further notes that Applicant is required to consider the entire reference. Cited columns and lines by the Examiner are used as reference points, but are not used to replace features disclosed by the reference as a whole.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

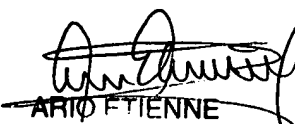
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

March 28, 2006


ARLETTE
PRIMARY EXAMINER